

RESOLUTION NO. 21106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, ADOPTING GUIDELINES AND PROCEDURES FOR IMPLEMENTING THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND REPEALING RESOLUTION NUMBERS 19478, 19897 AND 20189.

WHEREAS, pursuant to Section 21082 of the Public Resources Code of the State of California all public agencies are required to adopt by ordinance, resolution, rule or regulations, objectives, criteria, and procedures for the evaluation of projects, and the preparation of environmental impact reports and negative declarations under the provisions of the California Environmental Quality Act ("CEQA") found at Public Resources Code Section 21000 et seq.; and

WHEREAS, Section 21082 further requires that the objectives, criteria, and procedures adopted by a public agency shall be consistent with the provisions of CEQA and with the State CEQA Guidelines ("State Guidelines") adopted by the Secretary of the Resources Agency pursuant to CEQA and found in the California Code of Regulations Title 14, Section 15000 et seq.; and

WHEREAS, the City of Riverside ("City") adopted Resolution Number 19478, amended by Resolution Numbers 19897 and 20189, setting forth objectives, criteria and procedures for the administration of CEQA; and

WHEREAS, it is the City's intent to fully comply with the provisions and intent of CEQA in an efficient and timely manner which eliminates unnecessary cost and delay; and

WHEREAS, the City now desires to update and streamline its implementing procedures and desires that they be consistent with the current provisions of CEQA and the State Guidelines and remain so on a continuing basis; and

WHEREAS, the purpose of this Resolution is to update and streamline the City's CEQA procedures by repealing, in their entirety, Resolution Numbers 19478, 19897 and 21089, and replacing them with the local guidelines for the implementation of CEQA set forth in Exhibit "A" attached hereto,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside as follows:

1 Section 1: This action is exempt pursuant to Section 15061(b)(3) of the State Guidelines.
2 This section states that a project is exempt from CEQA if the activity is covered by general rule that
3 CEQA applies only to projects which have the potential for causing a significant effect on the
4 environment. Where it can be seen with certainty that there is no possibility that the activity is question
5 may have a significant effect on the environment, the activity is not subject to CEQA. The CEQA
6 Implementation procedures are technical changes concerning general policy for the implementation of
7 CEQA and there is no possibility that adopting these procedures will have a significant effect on the
8 environment.

9 Section 2: Except as otherwise expressly provided herein, the provisions of CEQA and the
10 State Guidelines are hereby referred to, adopted and made a part of this Resolution with the same effect
11 as if fully set forth herein, and all the provisions thereof shall apply to projects proposed to be carried
12 out or given discretionary review and approval by the City. All future revisions to CEQA and the State
13 Guidelines shall hereafter be considered a part of the City's implementing procedures without further
14 action by the City Council and the City Attorney's Office is hereby authorized and instructed to amend
15 the City's Implementing Guidelines, attached hereto as Exhibit "A", to incorporate all future revisions.

16 Section 3: It is the intent of the City to conform to the requirements of CEQA. If any of the
17 specific procedures or provisions adopted herein should be in conflict with CEQA, CEQA shall prevail.
18 The City may administer its responsibilities under CEQA in any manner which meets the requirements
19 of CEQA, notwithstanding the specific procedures and provisions set forth in City's Implementing
20 Guidelines attached hereto as Exhibit "A".

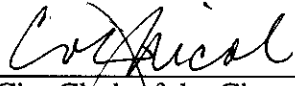
21 Section 4: Resolution Numbers 19478, 19897 and 20189 are hereby repealed in their
22 entirety.

23 Section 5: The City's Implementing Guidelines attached hereto as Exhibit "A" are hereby
24 enacted to implement the provisions of CEQA in the City of Riverside.
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1 ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk this 24th
2 day of January, 2006.

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5 Mayor of the City of Riverside

6 Attest:

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8 City Clerk of the City of Riverside
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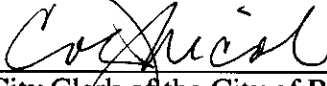
10 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
11 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council
12 of said City at its meeting held on the 24th day of January, 2006, by the following vote, to wit:

13 Ayes: Councilmembers Betro, Moore, Gage, Schiavone, Adkison, Hart, and Adams

14 Noes: None

15 Absent: None

16 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City
17 of Riverside, California, this 24th day of January, 2006.

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19 
20 City Clerk of the City of Riverside
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27 CA 05-1633
01/11/06



CITY OF RIVERSIDE, CALIFORNIA

GUIDELINES AND PROCEDURES FOR IMPLEMENTING THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Exhibit A

January 2006

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**CITY OF RIVERSIDE, CALIFORNIA
GUIDELINES AND PROCEDURES FOR
IMPLEMENTING THE PROVISIONS OF THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

SECTION 1. PURPOSE

These Procedures and Guidelines (hereinafter "Guidelines" or "Procedures") are adopted to implement the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 et seq., and the State CEQA Guidelines ("State Guidelines"), 14 California Code of Regulations Section 15000 et seq.

SECTION 2. RELATIONSHIP TO STATE GUIDELINES

The State Guidelines are hereby incorporated by reference. These Procedures are not meant to replace the State Guidelines but to implement and tailor the general provisions of the State Guidelines to the specific operations of the City of Riverside, the Redevelopment Agency of the City of Riverside, and the Parking Authority of the City of Riverside (individually and collectively "Public Agency"). The Public Agency may administer its responsibilities under CEQA in any manner which meets the requirements of CEQA, notwithstanding the specific procedures and provisions set forth in these Procedures. If any sections of these procedures are in conflict with or contrary to any provision of the State Guidelines as they now exist or may be amended hereafter, the State Guidelines shall control.

SECTION 3. DEFINITIONS

Advisory Body – The person, committee, or commission which has authority by law or ordinance to comment upon or give an advisory decision on the project at issue.

Agency - The Redevelopment Agency of the City of Riverside.

Agency Projects - Any Project of the Redevelopment Agency of the City of Riverside.

Applicant – A person who proposes to carry out a project which needs a lease, permit, license, certificate, or other entitlement for use or financial assistance from one or more public agencies when that person applies for the government approval or assistance.

Approval – The decision by a public agency that commits the agency to a definite course of action in regard to a project intended to be carried out by any person.

California Environmental Quality Act (CEQA) – The California Public Resources Code Sections 21000 et seq.

Categorical Exemption – An exemption from CEQA for a class of projects based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment.

City - The City of Riverside.

City Projects - Any project for public purposes by the City of Riverside.

Cumulative Impacts – Two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

Decision-Making Body – The person, board, commission, or council which has the authority by law or ordinance to make a final decision to approve or disapprove the project at issue.

Director – The director of the department responsible for CEQA functions on a particular project. Director, used in these Guidelines, shall mean the Planning Director, any department director or those individuals delegated with the responsibility by a director.

Discretionary Project – An activity defined as a project which requires the exercise of judgment, deliberation, or decision on the part of the public agency or body in the process of approving or disapproving a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

Effects - “Effects” and “impacts” as used in these Guidelines are synonymous. Definition of “effects” include:

- A. Direct or primary effects which are caused by the project and occur at the same time and place.
- B. Indirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.
- C. Effects analyzed under CEQA must be related to a physical change.

Emergency – A sudden and catastrophic calamity caused by an occurrence or a combination of occurrences of statewide or local impact, such as fire, flood, earthquake, or other natural disaster, riot, war, accident, or sabotage.

Environment – The physical conditions which exist in the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, and ambient noise, objects of historic or aesthetic significance.

Environmental Documents – Initial Studies, Negative Declarations, Mitigated Negative Declarations, Draft and Final EIRs, documents prepared as substitute for EIRs and Negative Declarations under a program certified pursuant to Public Resources Code Section 21080.5, and documents prepared under National Environmental Policy Act (NEPA) and used by a state or local agency in the place of an Initial Study, Negative Declaration, Mitigated Negative Declarations, or an EIR.

Environmental Impact Report (EIR) – A detailed statement setting forth the environmental effects and considerations pertaining to a project, as specified in Section 21100 of the California Environmental Quality Act.

- A. Draft EIR – An EIR containing the information specified in these Guidelines and the State Guidelines.
- B. Final EIR – An EIR containing the information specified in these Guidelines and the State Guidelines, including a section for comments received in the review process, list of persons commenting, and the responses to the comments received.

Feasible – Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.

Historic Resource - A resource as defined in Section 15064.5 of the State Guidelines.

Impacts - See Effects.

Initial Study – A preliminary analysis prepared by the Lead Agency to determine whether an EIR or a Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR.

Jurisdiction by Law – The authority of any public agency to:

- A. Grant a permit or other entitlement for use;
- B. Provide funding for the project in question; or
- C. Exercise authority over resources that may be affected by the project.

Lead Agency – The public agency that has the principal responsibility for carrying out or approving a project. Where more than one public agency is involved with the same

underlying activity, under these Guidelines, the Lead Agency is the City, Agency, or Parking Authority of the City of Riverside.

Local Agency – Any public agency other than a state agency, board, or commission. Local agency includes, but is not limited to, the City, Agency, and Parking Authority, and any board, commission, or organization subdivision thereof when so designated by order or resolution of the governing legislative body of the local agency.

Ministerial Projects – As a general rule, includes those activities defined as projects which are undertaken or approved by a governmental decision which a public officer or public agency makes upon a given state of facts in a prescribed manner in obedience to the mandate of legal authority. With these projects, the officer or agency must act upon the given facts without regard to his own judgment or opinion concerning the propriety of wisdom of the act, although the statute, ordinance, or regulation may require, in some degree, a construction of its language by the officer.

Mitigation – Definition of “mitigation” includes:

- A. Avoiding the impact altogether by not taking a certain action or parts of an action.
- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- C. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- D. Reducing or eliminating the impact over time by reservation and maintenance operations during the life of the action.
- E. Compensating for the impact by replacing or providing substitute resources or environments.

Mitigated Negative Declaration – A Negative Declaration prepared for a project when the Initial Study has identified potentially significant effects on the environment, but

- A. Revisions in the project plans or proposals made by, or agreed to by, the applicant, or required by the Public Agency as a condition of approval, before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur; and
- B. There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

Negative Declaration – A written statement by the lead agency briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment therefore does not require an EIR.

Notice of Completion – A brief notice to be filed by a public agency after a Draft EIR is completed when it approves or determines to carry out a project which is subject to the requirements of CEQA.

Notice of Determination - A brief notice that is filed after a public agency has approved a project in which either a Negative Declaration, Mitigated Negative Declaration or EIR has been prepared.

Notice of Exemption – A brief notice which may be filed by a public agency after it has decided to carry out or approve a project and has determined that the project is exempt from CEQA as being ministerial, categorically exempt, an emergency, or subject to another exemption from CEQA. Such a notice may also be filed by an applicant where such a determination has been made by a public agency which must approve the project.

Notice of Preparation – A brief notice sent by a Lead Agency to notify the Responsible Agencies, Trustee Agencies, and involved federal agencies that the Lead Agency plans to prepare an EIR for the project.

Person – Includes any person, firm, association, organization, partnership, business, trust, corporation, company, district, county, city and county, city, town, the state, and any of the agencies' political subdivisions of such entities.

Private Project – A project that will be carried out by a person other than a governmental agency, but the project will need discretionary approval from one or more governmental agencies for:

- A. A contract or financial assistance, or
- B. A lease, permit, license, certificate, or other entitlement for use.

Project – The whole of an action resulting in physical impact on the environment, directly or ultimately that is any of the following:

- A. An activity directly undertaken by any public agency including, but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption of a local General Plan or elements thereof.
- B. An activity by a person which is supported in whole or part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

- C. An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.
- D. Any project of statewide, regional or areawide significance as defined by State Guidelines Section 15206

"Projects" does not include:

- A. Anything specifically exempted by state law.
- B. Proposals for legislation to be enacted by the State Legislature.
- C. Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, emergency repairs to public service facilities, general policy and procedure making (except as they are applied to specific instances covered above), feasibility or planning studies.
- D. The submittal of proposals to vote of the people of the state or of a particular community that does not involve a public agency sponsored initiative
- E. The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.
- F. Organizational or administrative activities that will not result in direct or indirect physical changes in the environment.

Public Agency – Includes any state agency, board, or commission and any local or regional agency. As used in these Guidelines, Public Agency in the capitalized term means the City, Agency, or Parking Authority of the City of Riverside, as applicable, and their respective council and boards, acting as the Lead Agency for a project. This term does not include agencies of the federal government or courts of the state.

Responsible Agency – Any public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR, Negative Declaration or Mitigated Negative Declaration. For the purposes of CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency, which have discretionary approval power of the project.

Significant Effect – A substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered as significant effect on the

environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

State Agency – A governmental agency in the executive branch of the State Government or an entity which operates under the direction and control of an agency in the executive branch of the State Government and is funded primarily by the State Treasurer.

Substantial Evidence – Enough relevant information and reasonable interferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

Trustee Agency – A state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California.

SECTION 4. INITIAL PROCESS

The CEQA process involves a series of procedural and substantive steps to determine if CEQA applies to a given activity, and if CEQA applies, to identify potential environmental impacts and methods of mitigating such impacts. The first step is to determine if an activity, proposal, or action meets the definition of a "project" pursuant to CEQA. If it does not meet the definition of a project under CEQA, no further action under CEQA is required. If the activity is defined as a project pursuant to CEQA, the next step is to determine if the project is either statutorily or categorically exempt from further CEQA review. If the project is exempt, no further CEQA review is required, unless it falls under one of the exceptions to the exemptions stated in State Guidelines Section 15300.2. If an activity qualifies as a project under CEQA and is not specifically exempted from further review, then an Initial Study shall be prepared to describe and evaluate the potential environmental impacts of the project. This process will lead to either the preparation of a Negative Declaration, a Mitigated Negative Declaration, or an EIR.

SECTION 5. DELEGATION OF RESPONSIBILITY TO CITY/AGENCY DEPARTMENTS AND DEPARTMENT DIRECTORS

A. Responsibilities of City/Agency Departments. Subject to 5 below, the following Departments of the City and/or Agency shall be responsible for the preparation and processing of environmental documents for certain projects as follows:

1. The Public Works Department, for all public works projects.
2. The Agency for all Agency projects.
3. For all other City Projects, the Department for which the project is undertaken.

4. The Planning Division of the Community Development Department ("Planning Division"), for all private projects.
5. For any project, City, Agency, or private, which involves a Historic Resource, and which is subject to Title 20 of the Riverside Municipal Code, the project must comply with the provisions of Title 20.

The Directors of the Departments, subject to 5 above, are authorized to:

1. Conduct the environmental review process in conjunction with these Procedures.
2. Retain the services of an outside consultant to perform the environmental review, subject to these Procedures.
3. Retain the Planning Division to perform the environmental review.

B. Responsibility of the Directors. The Directors shall be responsible for the following CEQA functions on projects for which their department has CEQA responsibilities:

1. Determination of whether a project is exempt.
2. Conducting an Initial Study.
3. Preparation of a Negative Declaration, Mitigated Negative Declaration or EIR.
4. Ensuring that a Negative Declaration, Mitigated Negative Declaration or EIR has been completed within applicable time limits and in compliance with CEQA and the State Guidelines.
5. Preparation of responses to public comments.
6. Ensuring that the decision-making body has received, considered, approved and certified, as appropriate, an EIR, Mitigated Negative Declaration or Negative Declaration.
7. Filing of applicable notices and any other documents required or authorized by CEQA and the State Guidelines.

SECTION 6.

PRELIMINARY REVIEW FOR EXEMPTIONS

Exemptions specified in the State Guidelines are qualified in that such projects must be considered in light of the location of the project (Section 15300.2). A project that is ordinarily insignificant in its impact on the environment may, in a particularly sensitive environment, be significant. In addition, no project that may cause a substantial adverse change in the significance of a historic resource as specified in Section 21084.1 of CEQA shall be exempted from review. The Planning Division shall be responsible for identifying historic resources and whether or not adverse changes will result for the purpose of determining if CEQA exemptions apply. The threshold of what constitutes substantial adverse change is set forth in Section 5020.1 of the State of California Public Resources Code.

SECTION 7.

EXEMPTIONS

Where it can be seen with certainty that there is no possibility that a project may have a significant effect on the environment, the requirements of CEQA do not apply and an EIR or Negative Declaration are not required. The initial analysis includes the review of the statutory exemptions set forth in Article 18 of the State Guidelines or Section 21080 of CEQA, and the categorical exemptions set forth in Article 19 of the State Guidelines.

A. Statutory Exemptions. Article 18 of the State Guidelines list projects that the California Legislature has exempted from the requirements of CEQA, and are hereby incorporated by reference. Noteworthy statutory exemptions include:

1. Feasibility and Planning Studies. A project that involves only feasibility or planning studies for possible future actions that the Public Agency has not yet approved, adopted, or funded is exempt. This exemption does not apply to adoption of a plan with a legally binding effect on later activities.
2. Ministerial Projects. A project which is undertaken or approved by the Director upon a given set of facts, in a prescribed manner, and in obedience to statute, ordinance, regulation or other legal mandate, and which involves little or no personal judgment about the wisdom or manner of carrying out the project. Ministerial projects are hereby determined to include, but are not limited to:
 - a. Issuance of business tax certificates;
 - b. Approval of final subdivision and parcel maps;
 - c. Issuance of most building permits;
 - d. Issuance of licenses;
 - e. Issuance of encroachment permits; and

f. Approval of individual utility service connections.

g. Issuance of a temporary use permit.

Where a project involves an approval that contains elements of both ministerial and discretionary actions, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.

3. Emergency Projects. The following types of emergency projects are exempt: (The term "emergency" is defined in State Guidelines Section 15359.)

a. Work in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Section 8550 of the Government Code.

b. Emergency repairs to public service facilities necessary to maintain service, and which are essential to the public health, safety or welfare.

c. Actions necessary to prevent or mitigate an emergency.

4. Disapproved Projects. Projects which the Public Agency rejects or disapproves are exempt. An applicant shall, however, not be relieved of paying the costs for an EIR, Mitigated Negative Declaration or Negative Declaration prepared for a project prior to the Public Agency's disapproval of the project.

5. Rates, Tolls, Fares and Charges. The establishment, modification, structuring, restructuring or approval of rates, tolls, fares or other charges by the Public Agency which the Public Agency finds are for one or more of the purposes listed below are exempt.

a. Meeting operating expenses, including employee wage rates and fringe benefits;

b. Purchasing or leasing supplies, equipment or materials;

c. Meeting financial reserve needs and requirements;

d. Obtaining funds for capital projects necessary to maintain service within existing service areas; and

e. Obtaining funds necessary to maintain such intra-city transfers as are authorized by city charter.

When the Public Agency determines that one of the aforementioned activities pertaining to rates, tolls, fares or charges is exempt from the requirements of CEQA, it shall incorporate written findings in the record of any proceeding in which such an exemption is claimed setting forth with specificity the basis for the claim of exemption.

6. Family Day Care Homes. A project to establish or operate a large family day care home which provides in-home care for up to fourteen children, as defined in Section 1596.78 of the Health and Safety Code.
7. Subsurface Pipelines Within a Public Right-of-Way. A project to install, maintain, repair, restore, recondition, relocate, replace, remove or demolish a subsurface pipeline is exempt where the project is less than one mile in length and located within a public street, highway or any other public right-of-way.

- B. Categorical Exemptions. The State Guidelines define certain classes of projects that have been determined not to have a significant effect on the environment and which, therefore, are exempt from the provisions of CEQA. The classes of projects are listed in Article 19 of the State Guidelines.

The following classes of categorical exemptions are listed to reflect circumstances that are unique to the City. The remaining classes of exemptions not listed herein as set forth in Sections 15300 through 15333 of the State Guidelines are hereby incorporated by reference, including any amendments or additions thereto.

1. Class 5 Minor Alterations in Land Use Limitations.

Minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density (State Guidelines Section 15305), including but not limited to:

- a. Lot line adjustments, lot consolidations, and certificates of compliance not resulting in the creation of any new parcel;
- b. All fence and sign variances;
- c. Administrative variances pursuant to Title 19 of the Municipal Code; and
- d. Minor conditional use permits.

2. Class 12 Sale of Surplus Government Property.

The sales of surplus government property, except for parcels of land located in an area of statewide, regional, or area wide concern identified in Section 15206(b)(4) of the State Guidelines, unless, for those parcels identified in said section:

- a. The property does not have significant values for wildlife habitat or other environmental purposes; and
- b. Any of the following conditions exist:
 - (1) The property is of such size, shape, or inaccessibility that it is incapable of independent development or use; or
 - (2) The property to be sold would qualify for an exemption under any other class of categorical exemption in the State Guidelines; or
 - (3) The use of the property and adjacent property has not changed since the time of purchase by the public agency.

3. Class 15 Minor Land Divisions.

Divisions of property in urbanized areas zoned for residential, commercial or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

4. Class 32 In-fill Development Projects.

In-fill developments are those projects meeting the following conditions:

- a. Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c. The project site has no value as a habitat for endangered, rare or threatened species.

- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
 - e. The site can be adequately served by all required utilities and public services.
- C. Notice of Exemption. If the Director determines that a project is exempt under these Procedures and the State Guidelines, he/she may prepare a Notice of Exemption as provided in Section 15062 of the State Guidelines, which Notice of Exemption shall contain all of the following:
 - 1. A brief description of the project.
 - 2. The location of the project (either by street address and cross street for a project in an urbanized area or by attaching a specific map acceptable to the Director or as suggested by the State Guidelines).
 - 3. A finding that the project is exempt from CEQA, including a citation to the State Guidelines section or statute under which it is found to be exempt.
 - 4. A brief statement of reasons to support the finding.

The Notice of Exemption shall not be filed with the Office of Planning and Research or the County Clerk until after the Public Agency has approved the project.

The filing of a Notice of Exemption starts a 35-day statute of limitations on legal challenges to the Public Agency's determination that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180-day statute of limitations will apply. For exempt Public Agency sponsored projects, the Department proposing the project is responsible for the filing of a Notice of Exemption, and the payment of any filing fees.

SECTION 8 PROCEDURES FOR THE CONDUCT OF INITIAL STUDIES (PRELIMINARY ASSESSMENT)

- A. Determination that Initial Study should be conducted - If a project is subject to the requirements of CEQA and not exempted by these Procedures, the Director shall conduct an Initial Study to determine if the project may have a significant effect on the environment. If the Director can determine that an EIR clearly will be required for the project, an Initial Study is not required but may still be made if determined to be desirable. If it is determined that an Initial Study is required for a project, all phases of project planning, implementation, and operation shall be

considered. An Initial Study or similar analysis prepared pursuant to NEPA may be used to meet the requirements of this Section.

- B. Results of Initial Study - The Initial Study shall be used to provide a written determination of whether a Negative Declaration, Mitigated Negative Declaration or an EIR shall be prepared for a project.

If the Director determines that there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the Director shall cause an EIR to be prepared. A new EIR need not be prepared if the Director determines that previously prepared EIR would adequately analyze the project under consideration.

If the Director determines that there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, the Director shall cause a Negative Declaration to be prepared.

If the Director determines that there are identified potentially significant effects but revisions in the project plans or proposals made by or agreed to by the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and there is no substantial evidence, in light of the whole record before the Public Agency, that the project as revised may have a significant effect on the environment, the Director shall cause a Mitigated Negative Declaration to be prepared.

- C. Determining Significant Effect - The determination of whether or not a project may have a significant effect on the environment shall be made as required by Section 15064 of the State Guidelines and Section 21082.2 of CEQA.

- D. Contents - An Initial Study shall contain, in brief form, the following:

1. A description of the project, including location.
2. An identification of the environmental setting.
3. An identification of environmental effects by use of a checklist, matrix, or other method.
4. A discussion of ways to mitigate the significant effects identified, if any.
5. An examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls.
6. The name of the person or persons who prepared or participated in the Initial Study.

- E. Consultation - As soon as the Director has determined that a project is not exempt and that an Initial Study will be required to determine whether a Negative Declaration, Mitigated Negative Declaration or an EIR is required, the Director shall consult informally with all responsible agencies and all trustee agencies responsible for resources affected by the project to obtain the recommendations of those agencies as to whether an EIR, Mitigated Negative Declaration or a Negative Declaration should be prepared.

A responsible agency or trustee agency shall only make comments within their areas of expertise, and must support comments by specific documentation, pursuant to Section 21153 of CEQA.

- F. Mandatory Findings of Significance - The Director or Public Agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur:

1. The project has the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory.
2. The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
3. The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
4. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

If, however, prior to the commencement of the preliminary review, the applicant agrees to mitigation measures or project modifications that would avoid any significant effect on the environment or would mitigate the significant effect to a point where clearly no significant effect on the environment would occur, an EIR need not be prepared solely because, without mitigation, the environmental effects at issue would have been significant.

Furthermore, where a proposed project has the potential to substantially reduce the number or restrict the range of an endangered, rare or threatened species, the Director or Public Agency need not prepare an EIR solely because of such effect, if:

1. The applicant is bound to implement mitigation requirements relating to such species and habitat pursuant to an approved habitat conservation plan or natural community conservation plan;
2. The state or federal agency approved the habitat conservation plan or natural community conservation plan in reliance on an environmental impact report or environmental impact statement; and
3.
 - a. Such requirements avoid any net loss of habitat and net reduction in number of the affected species; or
 - b. Such requirements preserve, restore or enhance sufficient habitat to mitigate the reduction in habitat and number of affected species to below a level of significance.

G. EIR Preparation after Findings of Significance - If the Director or Public Agency determines that any of the conditions listed in Section 8F above will occur, requiring the preparation of an EIR, then such determination shall apply to:

1. The identification of effects to be analyzed in depth in the EIR;
2. The requirement to make detailed findings on the feasibility of alternatives or mitigation measures to substantially lessen or avoid the significant effects on the environment;
3. When found to be feasible, the making of changes in the project to substantially lessen or avoid the significant effects on the environment; and
4. Where necessary, the requirement to adopt a statement of overriding considerations.

SECTION 9

PROCEDURES FOR THE PREPARATION OF NEGATIVE DECLARATIONS

A. Determination to Prepare Negative Declaration or Mitigated Negative Declaration - The Director shall prepare or direct the preparation of a Negative Declaration or Mitigated Negative Declaration for a project under the following circumstances:

1. Negative Declaration: The Initial Study, in light of the whole record, shows there is no substantial evidence that the project may have a significant effect on the environment; or
 2. Mitigated Negative Declaration: The Initial Study identified potentially significant effects but revisions in the project plans or proposals made by or agreed to by the applicant before the proposed Mitigated Negative Declaration is released for public review would avoid or mitigate the effects to a point where clearly no significant effects would occur, and there is no substantial evidence before the Director that the project as revised may have a significant effect on the environment.
- B. Contents - A Negative Declaration or Mitigated Negative Declaration circulated for public review shall include:
1. A brief description of the project, including a commonly used name for the project, if any.
 2. The location of the project, preferably shown on a map, and the name of the project proponent.
 3. A proposed finding that the project will not have a significant effect on the environment.
 4. An attached copy of the Initial Study documenting reasons to support the finding.
 5. Mitigation measures, if any, included in the project to avoid potentially significant effects.
- C. Public Notice of Intent to Adopt - Notice of the decision-making body's intent to adopt a Negative Declaration or Mitigated Negative Declaration ("Notice") shall be provided to the public within a reasonable period (20-day minimum period, 30 day minimum period if submitted to the State Clearinghouse pursuant to State Guidelines Section 15105) of time prior to adoption by the decision-making body of the Negative Declaration or Mitigated Negative Declaration. Notice shall be given to all organizations and individuals who have previously requested such notice in writing and shall also be given by at least one of the following procedures:
1. Publication at least one time by the Public Agency in a newspaper of general circulation in the area affected by the proposed project.
 2. Posting of notice on and off site in the area where the project is to be located.

3. Direct mailing to owners of property contiguous to the project as such owners are shown on the latest equalized assessment roll.

Notice of the proposed Negative Declaration or Mitigated Negative Declaration shall be sent to the County Clerk for the County of Riverside and every responsible agency and trustee agency concerned with the project and every other public agency with jurisdiction by law over resources affected by the project. Notice to responsible, trustee and other public agencies with jurisdiction by law over resources affected by the project shall include a copy of the proposed Negative Declaration or Mitigated Negative Declaration and the Initial Study.

D. Contents of Public Notice - The Notice shall specify:

1. A brief description of the project and its location.
2. The starting and ending dates for the review period during which the Public Agency will receive comments, including the starting and ending dates for the review period.
3. The date, time, and place of any scheduled public meetings or hearings on the project.
4. The address of the location where copies of the draft Negative Declaration or draft Mitigated Negative Declaration and all documents referenced in the draft Negative Declaration or draft Mitigated Negative Declaration are available for public review.
5. The presence of the site on any of the lists of sites enumerated under Section 65962.5 of the Government Code, including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subsection (f) of that section.

E. Public Review Period - The Director shall provide a public review period which is properly noticed in accordance with Section 9C above. This period shall be a reasonable period of time sufficient to allow members of the public time to respond to the proposed finding before the Negative Declaration or Mitigated Negative Declaration is approved. A minimum 20-day period of review shall be provided.

When a Negative Declaration or Mitigated Negative Declaration is submitted to the State Clearinghouse for review as required in Section 9F below, the normal review period is 30 days. The State Clearinghouse may set a shorter review period when requested by the Public Agency due to exceptional circumstances.

The public review period shall be at least as long as the review period established by the State Clearinghouse.

- F. Review by State Agencies - Where one or more state agencies will be a responsible agency or a trustee agency or will exercise jurisdiction by law over natural resources affected by the project or where the project is deemed to be of statewide, regional, or areawide significance, as defined in Section 15206 of the State Guidelines, copies of the draft Negative Declaration or Mitigated Negative Declaration shall be sent to the State Clearinghouse for distribution to the state agencies.
- G. Consideration of a Draft Negative Declaration or Mitigated Negative Declaration - Any determination by a Director, Planning Commission or Cultural Heritage Board that a Negative Declaration or Mitigated Negative Declaration should be adopted, shall be forwarded to the City Council for review, unless otherwise deemed final under Title 18 of the Riverside Municipal Code. Nevertheless, any decision under Title 18 may be appealed to the City Council for review. If the City Council finds that the project will not have a significant effect on the environment, it may adopt the Negative Declaration or Mitigated Negative Declaration. If, on the other hand, the City Council finds that the proposed project may have a significant effect on the environment, it shall direct the preparation of an EIR.
- H. Approval or Disapproval of a Project - Prior to project approval, the City Planning Commission, Cultural Heritage Board, or appropriate Director, shall consider the draft Negative Declaration or draft Mitigated Negative Declaration together with any comments received during the public review process. Any written comments received during the public review process will be forwarded to the appropriate board, commission, agency or Director for their consideration. After review by the City Planning Commission, Cultural Heritage Board, or appropriate Director, the project and the draft Negative Declaration or draft Mitigated Negative Declaration, and any recommendation thereto, shall be forwarded to the decision-making body of the Public Agency for final review and approval/disapproval.
- I. Mitigation Monitoring Program/Plan - In conjunction with adoption of a Mitigated Negative Declaration, the Public Agency shall also, pursuant to State Guidelines Section 15097, adopt a program of monitoring to ensure that the required mitigation measures are implemented. Mitigation monitoring can also be implemented in the form of project conditions of approval.
- J. Notice of Determination Based Upon a Negative Declaration or Mitigated Negative Declaration - After the decision-making body has made a decision to carry out or approve a project for which a Negative Declaration or Mitigated Negative Declaration has been prepared and approved, the Public Agency shall prepare a Notice of Determination. The Notice of Determination shall include:

1. An identification of the project including the project title as identified in the proposed Negative Declaration or Mitigated Negative Declaration, its location and the State Clearinghouse identification number for the proposed Negative Declaration or Mitigated Negative Declaration if the Notice of Determination is filed with the State Clearinghouse.
2. A brief description of the project.
3. The Public Agency's name and the date on which the Public Agency approved the project.
4. A determination that the project will not have a significant effect on the environment.
5. A statement that a Negative Declaration or Mitigated Negative Declaration was adopted pursuant to the provisions of CEQA.
6. A statement indicating whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted.
7. The address where a copy of the Negative Declaration or Mitigated Negative Declaration may be examined.

The Notice of Determination shall be filed with the County Clerk within five working days after deciding to carry out or approval of the project by the decision-making body. If a project has more than one phase, a notice of determination shall be filed for each phase requiring a discretionary approval. If the project requires a discretionary approval from any state agency, the Notice of Determination shall also be filed with the State Office of Planning and Research.

The filing and posting of a Notice of Determination with the County Clerk and, if necessary, with the Office of Planning and Research, starts a 30-day statute of limitations of court challenges to the approval under CEQA.

- K. Federal Projects - For projects where federal involvement might require the preparation of a finding of no significant effect, the provisions of Article 14 of the State Guidelines shall be followed in addition to the procedures set forth in this Section.

SECTION 10 PROCEDURES FOR THE PREPARATION OF ENVIRONMENTAL IMPACT REPORTS

- A. Decision to Prepare an EIR - In the event a Director or the decision-making body determines that a project, which is not exempt, may have a significant impact on the environment, the Director or decision-making body shall prepare or direct the

preparation of a Draft EIR for the project. The project applicant shall provide any information requested for the preparation of an EIR. In connection with the preparation of a Draft EIR, the procedures contained in this Section and the State Guidelines shall be followed.

B. Notice of Preparation

1. Immediately after determining that an EIR will be required for a project, the Director shall send a Notice of Preparation by certified mail or other method of transmittal that provides it with a notice that the Notice has been received, to the State Clearinghouse and to each responsible agency and trustee agency responsible for resources affected by the project, and to each federal agency involved in approving or funding the project.
2. The Notice of Preparation shall provide the responsible agencies with sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response. At a minimum, the information shall include:
 - a. Description of the project.
 - b. Location of the project (either by street address and cross street, for a project in an urbanized area or by attaching a specific map acceptable to the Director or as suggested by the State Guidelines).
 - c. Probable environmental effects of the project.
3. The State Clearinghouse and agencies to which a Notice of Preparation is sent shall have 30 days from receipt of the Notice by the State Clearinghouse to respond in the form and manner set forth in Section 15082(b) of the State Guidelines. If an agency fails to respond by the end of the 30-day period or make a well-justified request for additional time to respond which is approved by the Public Agency, it shall be presumed that the agency has no response to make.
4. The State Clearinghouse identification number shall be referenced on all subsequent correspondence regarding the project, specifically on the title page of the draft and final EIR and the Notice of Determination.

- C. Early Public Consultation - Prior to completing the Draft EIR, the Director may consult directly with any person or organization he or she believes will be concerned with the environmental effects of the project.

Where the Director, a responsible agency, a trustee agency, or the project applicant has requested a meeting between representatives of the agencies involved to assist in determining the scope and content of a proposed EIR, the

Director shall convene such a meeting as soon as possible, but not later than 30 days after receiving the request for the meeting.

- D. Scoping - The Public Agency may, at its discretion, conduct a scoping meeting on any EIR. However, the Public Agency shall notice and call at least one scoping meeting for any project of statewide, regional or areawide significance, as defined by Section 15206 of the State Guidelines. Notice of the scoping meeting for projects of statewide, regional or areawide significance shall be provided to all of the following:

1. Any county or city that borders on a county or city within which the project is located, unless otherwise designated annually by agreement between the lead agency and the county or city.
2. Any responsible agency.
3. Any public agency that has jurisdiction by law with respect to the project.
4. Any organization or individual who has filed a written request for the notice.

- F. Preparation of Draft EIR

1. One of the following methods or a combination of them may be used for preparing a Draft EIR:
 - a. Preparing the Draft EIR directly with the Public Agency staff.
 - b. Contracting with another entity, public or private, to prepare the Draft EIR.
 - c. Accepting a draft prepared by a consultant retained by the Public Agency and paid by the applicant, or any other person.
 - d. Using a previously prepared EIR.
2. If a Draft EIR is prepared by a person other than the Public Agency staff, the Draft EIR shall be reviewed and analyzed by the Department before it is sent out for public review to ensure its accuracy, objectivity and completeness. The Draft EIR shall also reflect the independent judgment of the Public Agency.
3. The Department may require the applicant to supply data and information to determine whether the project may have a significant effect on the environment and to assist the Department in preparing the Draft EIR. The

applicant shall also be required to identify any other public agencies that will have jurisdiction by law over the project.

4. The applicant shall pay an EIR processing fee established by the City Council resolution and shall pay the actual costs of preparing and printing the Draft EIR.

G. Form and Content of EIR - The required contents of an EIR are set forth in Article 9 of the State Guidelines. Briefly summarizing each of those requirements, an EIR shall contain:

1. A table of contents or an index.
2. A brief summary of the proposed project and its consequences.
3. A description of the proposed project.
4. A description of the project's environmental setting, from both a local and regional perspective.
5. A discussion of any inconsistencies between the proposed project and applicable general, specific and regional plans.
6. A discussion of environmental impacts on all phases of the project, which includes planning, acquisition, development and operation. The subjects set forth below need to be discussed in separate sections or paragraphs in the EIR:
 - a. Significant environmental effects on the project.
 - b. Significant environmental effects that cannot be avoided if the project is implemented.
 - c. Significant irreversible environmental changes which would be involved in the proposed project should it be implemented.
 - d. Growth-inducing impacts of the project.
 - e. The mitigation measures proposed to minimize the significant effects. The EIR must describe any mitigation measures written into the project plan to reduce significant environmentally adverse impacts to insignificant levels, and the basis for considering these levels acceptable. Where a particular mitigation measure has been chosen from among several alternatives, it should be discussed and reasons should be given for the choice made.

- f. Alternatives to the project. The EIR must describe any known alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project and why they were rejected in favor of the ultimate choice. The specific alternative of "No Project" must always be evaluated, along with the impact. Attention should be paid to alternatives capable of substantially reducing or eliminating any environmentally adverse impacts, even if these alternatives substantially impede the attainment of the project objectives, and are more costly. State Guidelines Section 15126.6 shall be followed
- g. A discussion of any significant cumulative effects of the project, pursuant to State Guidelines Section 15130, including a discussion of effects not cumulatively considerable as outlined therein.
- h. A discussion of any social and economic changes resulting in a physical impact.
- i. A statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and, therefore, were not discussed in the EIR. Such a statement may be contained in an attached copy of an Initial Study.
- j. The identity of all federal, state or local agencies, other organizations and private individuals consulted in preparing the Draft EIR, and the persons, firm or agency preparing the Draft EIR, by contract or other authorization.

H. Notice of Completion - As soon as the Draft EIR is completed, the Director shall file a Notice of Completion in printed form or electronically with the Office of Planning and Research. The Notice of Completion shall include:

- 1. A brief description of the project.
- 2. The proposed location of the project (either by street address and cross street, for a project in an urbanized area or by attaching a specific map acceptable to the Director or as suggested by the State Guidelines).
- 3. An address where copies of the Draft EIR are available.
- 4. The review period during which comments will be received on the Draft EIR.

Where the EIR will be reviewed through the state review process handled by the State Clearinghouse, the notice of completion cover form required by the State Clearinghouse will serve as the notice of completion.

- I. Review of Draft Environmental Impact Report by Other Agencies and Persons - Upon the filing of a Notice of Completion, the Director shall submit for review copies of the Draft EIR to each responsible agency, trustee agency and any other public agency having jurisdiction by law with respect to the project.

The Director may also consult with and obtain comments from any person known to have special expertise with respect to any environmental impact involved whose comments relative to the Draft EIR would be desirable.

Copies of the Draft EIR shall also be made available for purchase by members of the general public. Any person obtaining a copy of the Draft EIR shall reimburse the Public Agency for not more than the actual cost of its reproduction. Copies of the Draft EIR shall also be available in downtown branch of the Riverside Public Library and at City Hall.

- J. Public Review of Draft EIR - The public review period for a Draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. If the Draft EIR is submitted to the State Clearinghouse for review, the review period shall not be less than 45 days.

1. The Public Agency shall provide public notice of the availability of a Draft EIR at the same time it sends a Notice of Completion to the Office of Planning and Research. Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing, and shall also be given by at least one of the following procedures:

- a. Publication at least one time by the Pubic Agency in a newspaper of general circulation in the area affected by the project.
- b. Posting of the notice on and off the site in the area where the project is to be located.
- c. Direct mailing to owners of property and occupants contiguous to where the project is located, as such owners are shown on the latest equalized assessment roll.

The alternative for providing notice specified above shall not preclude the Public Agency from providing additional notice by other means if the Public Agency so desires, nor shall the requirements of this Section preclude the Public Agency from providing the public notice required by this Section at the same time and in the same manner as public notice otherwise required by law for the project.

2. The notice shall disclose the following:

- a. A brief description of the proposed project and its location.
- b. The starting and ending dates for the review period during which the Public Agency will receive comments. If the review period is shortened, the notice shall disclose that fact.
- c. The date, time and place of any scheduled public meetings or hearings to be held by the Public Agency on the proposed project when known to the Public Agency at the time of notice.
- d. A list of the significant environmental effects anticipated as a result of the project, to the extent that such effects are known to the Public Agency at the time of the notice.
- e. The address where copies of the Draft EIR and all documents referenced in the Draft EIR will be available for public review.
- f. The presence of the site on any of the lists of sites enumerated under Section 65962.5 of the Government Code, including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subsection (f) of that Section.

3. The notice required under this Section shall be posted in the office of the County Clerk for a period of at least 30 days.

K. Evaluation and Responses to Comments - The Department shall evaluate and respond to comments that raise significant environmental issues received from persons who received the Draft EIR and make any significant changes resulting from the response to comments by revising the text in the body of the EIR or including marginal notes showing that the information is revised in response to comments.

The Director shall provide a written proposed response to any public agency on comments made by that public agency at least 10 days prior to certifying the EIR.

L. City Planning Commission Recommendations on Draft EIR - At a public hearing, the City Planning Commission shall review the Draft EIR for all projects (private and public) and shall make recommendations to the City Council regarding the following items:

1. Whether the Draft EIR has been completed in compliance with CEQA;

2. Whether the project will have a significant effect on the environment; and, if so;
3. Whether the changes or alterations proposed for the project, together with any changes or alterations that come forth as a part of the public hearing on the Draft EIR, will avoid or substantially lessen the significant environmental effects as identified in the Draft EIR.

M. Preparation of Final EIR - Prior to the public hearing before decision-making body of the Public Agency, it shall be the responsibility of the Director to prepare (or cause to be prepared) a Final EIR. The contents of a Final EIR are specified in Section 15132 of the State Guidelines. The Final EIR shall consist of:

1. The Draft EIR or a revision of the draft.
2. Comments and recommendations received on the Draft EIR either verbatim or in summary.
3. A list of persons, organizations, and public agencies commenting on the Draft EIR.
4. The responses of the Public Agency to significant environmental points raised in the review and consultation process.
5. Any other information added by the Public Agency.

The Public Agency shall review the Final EIR and related project concurrently.

N. Public Agency Public Hearing and Certification of Final Environmental Impact Report - The Final EIR shall be presented to the Public Agency, together with the City Planning Commission recommendations and the minutes of the public hearing before the City Planning Commission, for Public Agency consideration at a public hearing and use in the decision-making process.

Following the public hearing, and prior to approving the project, the Public Agency shall certify that:

1. The Final EIR has been completed in compliance with CEQA;
2. The Final EIR was presented to them, and that they reviewed and considered the information contained in the Final EIR prior to approving the project; and
3. The Final EIR reflects the Public Agency's independent judgment and analysis.

O. Findings. The Public Agency shall not approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless it makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Public Agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The findings required above shall be supported by substantial evidence in the record.

P. Mitigation Monitoring or Reporting Program - When adopting a Final EIR or Mitigated Negative Declaration and when making the findings set forth in Section O above, the Public Agency shall, pursuant to and in compliance with State Guidelines Section 15097, also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen the significant environmental effects.

Q. Statement of Overriding Considerations -

1. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
2. When the Public Agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the Public Agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

3. If the Public Agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091 of the State Guidelines and stated in Section O above.

R. Notice of Determination - When the Public Agency has decided to carry out or approve a project, the Public Agency shall prepare a Notice of Determination and within five working days, shall file the Notice of Determination with the County Clerk and, if applicable, with the Office of Planning and Research. The Notice of Determination shall include:

1. An identification of the project including the project title as identified on the Draft EIR, and the location of the project (either by street address and cross street for a project in an urbanized area or by attaching a specific map acceptable to the Director or as suggested by the State Guidelines). If the Notice of Determination is filed with the State Clearinghouse, the State Clearinghouse identification number for the Draft EIR shall be provided.
2. A brief description of the project.
3. The Public Agency's name and the date on which the Public Agency approved the project.
4. The determination of the Public Agency whether the project in its approved form will have significant effect on the environment.
5. A statement that an EIR was prepared and certified pursuant to the provisions of CEQA.
6. Whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted.
7. Whether findings were made pursuant to Section 15091 of the State Guidelines.
8. Whether a statement of overriding considerations was adopted for the project.
9. The address where a copy of the Final EIR and the record of project approval may be examined.
10. The Public Agency shall retain the Notice of Determination for not less than 12 months.

SECTION 11

SPECIAL TIME LIMITS

- A. Determination of Environmental Impact - Except as provided in Section D below, the Director's initial determination as to whether a Negative Declaration, Mitigated Negative Declaration, or an EIR should be prepared shall be made within 30 days from the date on which an application for a project is accepted as complete by the Director. This period may be extended 15 days with consent of the applicant.
- B. Completion and Adoption of Negative Declaration or Mitigated Negative Declaration - For private projects, the Negative Declaration or Mitigated Negative Declaration shall be completed and a recommendation made by the City Planning Commission no later than 105 days from the date on which an application requesting approval of a project is accepted as complete. Completion of a Negative Declaration or Mitigated Negative Declaration within the 105-day period shall include completion of the Initial Study, public review and the preparation of the documents ready for approval by the City Planning Commission or City Council as appropriate. Completion within the 105-day period does not include the adoption of the Negative Declaration or Mitigated Negative Declaration by the Planning Commission or City Council. The Negative Declaration or Mitigated Negative Declaration shall be approved within 180 days from the date when the application is accepted as complete.

In the event that compelling circumstances justify additional time and the project applicant consents thereto, the Director may provide for a reasonable extension of the time limit for completing and adopting the Negative Declaration or Mitigated Negative Declaration.

- C. Completion and Certification of Final EIR. The Final EIR shall be completed and certified by the Public Agency within one year from the date on which an application is accepted as complete by the Director. In the event that compelling circumstances justify additional time and the project applicant consents thereto, the Public Agency may extend the one-year time limit once for a period of not more than 90 days.
- D. Projects With Short Time Periods for Approval. Where a statute or ordinance requires the public agency to make decisions on permits within time limits that are so short that review of the project under CEQA would be difficult, the Director shall deem an application for a project not received for filing under the permit statute or ordinance until such time as progress toward completing the environmental documentation required by CEQA is sufficient to enable the lead agency to finish the CEQA process within the short permit time limit. This Section will apply as set forth in Section 15111 of the State Guidelines.

- E. Suspension of Time Periods. An unreasonable delay by an applicant in meeting requests necessary for the preparation of a Negative Declaration, Mitigated Negative Declaration, or an EIR shall suspend the running of the time periods described in Sections B and C for the period of the unreasonable delay. Alternatively, the Director may disapprove a project application where there is unreasonable delay in meeting requests.

SECTION 12 AMENDMENTS TO THESE GUIDELINES

These Guidelines may be administratively amended by the City Attorney's Office of the City of Riverside without any further approval by any Public Agency, so as to conform to any changes in CEQA and/or the State Guidelines.